

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated April 1, 2008.

Claims 1-27 are pending in the application.

Claims 1-27 have been rejected.

*Rejection of Claims under 35 U.S.C. § 103*

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Amerasinghe et al., U.S. Publication No. 2007/0208608 (Amerasinghe). Applicants request removal of Amerasinghe as a reference under 35 U.S.C. § 103(c). Amerasinghe was published on September 6, 2007, which is after the filing date (December 9, 2003) of the present application. Accordingly, Amerasinghe qualifies as prior art only under §102(e). The present application was filed after November 29, 1999 and thus § 103(c) applies. Amerasinghe and the claimed subject matter in the present application were, at the time the invention in the application for patent was made, owned by the same entity or subject to assignment to the same entity, namely Seibel Systems, Inc., of San Mateo, California. The assignment for Amerasinghe is recorded at reel 012372, frame 0815, and the assignment for the present application is recorded at reel 015166 and frame 0251. As §103(c) states, "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Shawn Doman  
Attorney for Applicants  
Reg. No. 63,062  
Telephone: (512) 439-5092  
Facsimile: (512) 439-5099